

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATTI A. JOHNSON, as the Personal
Representative of the Estate of James E.
Johnson, Deceased;

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

8:18CV540

ORDER

This matter is before the Court on its own motion. An amended complaint has been filed in this action. [Filing No. 54](#). The original plaintiff James E. Johnson is deceased. His widow and personal representative of his estate, Patti A. Johnson, was granted leave to file an amended complaint in her capacity as personal representative of his estate. The filing of the amended complaint renders the presently pending motions for summary judgment and to preclude expert testimony, [Filing Nos. 34, 36](#) and [38](#), moot.

For docket control purposes, the defendant shall reassert those motions as to the amended complaint, if so desired, within two weeks of the date of this order. The defendant need not refile briefs and exhibits on which it intends to rely, but must refer the filings by docket number in any renewed pleading. The plaintiff shall respond thereto within two weeks thereafter, at which time the Court will consider the motions submitted. Similarly, the plaintiff need not refile briefs or exhibits, but must refer to them by docket number.

IT IS ORDERED that:

1. The defendant's motions for summary judgment and to preclude expert testimony ([Filing Nos. 34](#), [36](#) and [38](#)) are denied as moot.
2. The parties shall reassert any motions for summary judgment or to preclude expert testimony as set forth in this order.

Dated this 25th day of June 2021.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge